THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION NO.21284 OF 2007

Dated: 08-10-2007

Between:

M/s.Escorts Construction Equipment Limited.
…Petitioner

and

Assistant Commissioner (CT) LTU,
Saroornagar Division, Hyderabad
and 2 others.
…Respondents

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AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION NO.21284 OF 2007

Dated: 08-10-2007

Order: (Per The Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the competent

authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. The amount already deposited by the petitioner shall be given credit to.

Writ Petition is disposed of accordingly. No costs.

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(Bilal Nazki, J)

Dated 8th October, 2007

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(D.Appa Rao, J)

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